



JOCASTA ZAMARRIPA
ALDERWOMAN, 8TH DISTRICT

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE-CHAIR

- Community and Economic Development Committee

MEMBER

- Steering and Rules Committee
- Zoning, Neighborhoods, and Development Committee

July 19, 2024

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 240408 contains the following recommendations:

Renewal with a 15 (fifteen) day suspension of the Food Dealer license for Omar Al Farouq H. Daher based upon the preponderance of the evidence in the applicant, aldermanic and MHD testimony, the lack of compliance on following the MHD orders and the failure to comply to with the approved plan of operations; for the premises located at 2301 S Howell Av. ("Gordo's Bubbles Waffles Cafe") in the 13th aldermanic district.

Nonrenewal of the Class B Tavern, Public Entertainment Premises and Food Dealer licenses for Anthony T. Wilks based upon the preponderance of the evidence in the police report, neighbor, applicant and aldermanic testimony that demonstrates the operation results in a threat to health, safety or welfare of the public and the history of the disciplinary actions; for the premises located at 4923 W Villard Av. ("Jack's Executive Bistro") in the 1st aldermanic district.

Common Council File Number 240437 contains the following recommendation:

Revocation of the Extended Hours Establishment license of Angel Gutierrez Garnica, Ald. Zamarripa moved revocation of the Extended Hours Establishment based upon the preponderance of the evidence in the police report included on the complaint filed by MPD and the applicant, aldermanic and significant testimony from the police officers that demonstrates the operation results in a threat to health, safety or welfare of the public for failure to comply with the approved plan of operation; for the premises located at 2106 W National Av. ("El Jalapeno Restaurant LLC") in the 8th aldermanic district.

Sincerely,

JoCasta Zamarripa
Alderwoman, 8th District

cc: All Council Members
Files 240408, 240437





JOCASTA ZAMARRIPA
ALDERWOMAN, 8TH DISTRICT

COMMITTEE ASSIGNMENTS

CHAIR

• Licenses Committee

VICE-CHAIR

• Community and Economic Development Committee

MEMBER

• Steering and Rules Committee

• Zoning, Neighborhoods, and Development Committee

Date: July 18, 2024

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report on the Renewal Application of Omar-Al Farouq H. Daher, Agent for MOSB LLC, for Food Dealer Licenses with Applications Removing Stockholder and Transfer of Stock for the premises located at 2301 South Howell Avenue in the City and County of Milwaukee, Wisconsin ("Gordo's Bubbles Waffles Cafe").

FINDINGS OF FACT

1. Omar-Al Farouq H. Daher (hereinafter the "Licensee") is the holder of Food Dealer licenses with Applications Removing Stockholder and Transfer of Stock for the premises located at 2301 South Howell Avenue in the City and County of Milwaukee, Wisconsin ("Gordo's Bubbles Waffles Cafe"). Said licenses expired at midnight, May 9, 2024.
2. An application to renew said licenses was filed with the Office of the City Clerk on May 21, 2024.
3. Pursuant to Chapters 68, 82, 84, and 85 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation.
4. On June 25, 2024, the City Clerk's Office provided notice to the Licensee pursuant to Chapters 68, and 85 of the Milwaukee Code of Ordinances of the Milwaukee Health Department ("MHD") and included a copy of the report. The matter was scheduled for a hearing on July 9, 2024 at 9:00 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the Licensee appeared with counsel, Attorney David Halbrooks and Mohammed Otallah at the hearing, and admitted receipt of the notice of hearing.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

Individuals in objection:

- A. Ms. Hegarty (MHD) said that they really wanted to make sure to bring before the Council the whole point of having a license and operating without a valid license. She added that within the last year, this operator has been discovered operating without a valid license, that orders to cease operations have been issued and that the



operator have chosen to continue operations 8 times after (within a month). She also said that the inspector explained them the process, that they were not able to operate unless they have a valid license and asked to keep the "closed" placard up but that they continued to remove it each time. She said that she wanted to bring this conversation before Council to make sure that they understand the requirement for a license and that they cannot operate unless they have a valid one.

- B. Alderwoman Zamarripa asked if they received citations.
- C. Ms. Hegarty said that they were cited for operating without a license and removal of the placard each time.
- D. Alderwoman Zamarripa asked if they have paid the fines.
- E. Ms. Hegarty said that out of 18 citations all but 4 were dropped, 2 were paid and that 2 seems to be pending.
- F. Attorney Halbrooks said that this location was run by these two Licensees and that they wanted to continue after the father stepped out. He added that an accountant decided to set up a new LLC which it led to an entire new administrative process for a place that never had violations or health issues. He added that there was an incident where a semi vehicle hit the light pole knocking down the business sign which it needed to be replaced in order to complete the electrical inspections required by DNS. He said that the Licensees kept on opening the store in a desperate measure to get the \$5K needed to replace the sign and to stay on business. He also said that the HD is correct, that his clients received a bunch of citations that were addressed at the municipal court and that the judge used his discretion to drop some of them. He added that his clients plead guilty for 4 of them and that they are in a payment plan. He said that the license lapsed because the mailbox was stolen and they did not receive the renewal form. He asked the committee to make a different decision and to grant the license with a warning letter instead.
- G. Mr. Cooney explained that the MHD objection is about the fact that they were asked to cease operations after May 9th and that they chose to operate after.
- H. Alderman Spiker asked the Licensee if he reached out to the alderwoman's office after having the electrical issues.
- I. The Licensee said that they did not.
- J. Alderman Spiker said that it was very disrespectful to operate without a license after receiving the first citation and despite the fact that the provisional license was denied. He added that the Licensee took his sweet time by reopening the business, getting caught, having citations being drop down to 4 and being in a payment plan for 4 because he needed to do what he did but that he also need to be licensed by the City to legally operate. He added that the Licensee showed a disdain for the process.
- K. Alderwoman Zamarripa asked how many times the Licensee removed the placard.
- L. Ms. Hegarty said that it was 10 times.



- M. Alderman Burgelis asked for the dates when they were asked to cease operations.
- N. Ms. Hegarty said that the dates were May 10, 12, 13, 15, 17, 20, 21, 25, 29 and June 1.
- O. Attorney Halbrooks said that many citations were written on the same day.
- P. Ms. Hegarty explained that Attorney Halbrooks is right in the way that they received the citations at once but it is because they were written on the same day and take a significant amount of time to write one. She added that each time that the inspector talked to the Licensee, he explained that they were going to receive a citation for each violation and that the Licensee acknowledged to the inspector that it was his choice to reopen. She also said that there is a photo to support each of the observations.
- Q. The Licensee said that his intention was not to override the MHD orders but that they were desperate to stay in business.
- R. Alderman Spiker said that it was clearly his intention to override the MHD orders.
- S. There were no neighbors present to testify.
- T. Terri Williams said that Alderwoman Dimitrijevic recommends approval with a warning letter.
- U. Alderman Burgelis said that the Licensee knew that he needed a license to operate anyways and that the Licensee made the conscious decision to reopen his business without a license.
- V. Alderman Spiker moved approval with a 15-day suspension based upon the preponderance of the evidence in the Licensee, aldermanic and MHD testimony and the lack of compliance on following the MHD orders and the failure to comply to with the approved plan of operations. (Prevailed 4-0)

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapters 68 and 85 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Omar-Al Farouq H. Daher who holds a Food licenses for the premise located at 2301 South Howell Avenue in the City and County of Milwaukee, Wisconsin ("Gordo's Bubbles Waffles Cafe") has not met the criteria of Chapters 68 and 85, of the Milwaukee Code of Ordinances to renew the Food Dealer license with Applications Removing Stockholder and Transfer of Stock, without undergoing a fifteen (15) day suspension. The Committee finds the Milwaukee Health Department report and aldermanic objections as stated above to be true.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City



of Milwaukee should exercise its judgment to not renew the Food Dealer license with Applications Removing Stockholder and Transfer of Stock for the premises located at 2301 South Howell Avenue in the City and County of Milwaukee, Wisconsin ("Gordo's Bubbles Waffles Cafe") without undergoing a fifteen (15) day suspension. The Committee based its recommendation on the preponderance of the evidence in the Licensee, aldermanic and MHD testimony and the lack of compliance on following the MHD orders and the failure to comply to with the approved plan of operations.

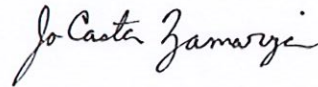
RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **four (4) ayes and one (1) noes** recommends that the Food Dealer license with Applications Removing Stockholder and Transfer of Stock of Omar-Al Farouq H. Daher for the premises located 2301 South Howell Avenue in the City and County of Milwaukee, Wisconsin ("Gordo's Bubbles Waffles Cafe") not be renewed without first undergoing a fifteen (15) day suspension based upon the preponderance of the evidence in the Licensee, aldermanic and MHD testimony and the lack of compliance on following the MHD orders and the failure to comply to with the approved plan of operations.

The suspension is in effect between 12:01 a.m. on July 30, 2024 until 11:59 p.m. on August 13, 2024.

Dated and signed at Milwaukee, Wisconsin this 18 day of July, 2024.

Sincerely,



JoCasta Zamarripa
Chairman Licenses Committee

/292346





JOCASTA ZAMARRIPA
ALDERWOMAN, 8TH DISTRICT

COMMITTEE ASSIGNMENTS

CHAIR

• Licenses Committee

VICE-CHAIR

• Community and Economic Development Committee

MEMBER

• Steering and Rules Committee

• Zoning, Neighborhoods, and Development Committee

Date: July 19, 2024

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report of the Renewal Application of the Class "B" Tavern, Public Entertainment Premises (PEP) and Food Dealer Licenses, for Anthony T. Wilks, Agent for Jacks Lounge LLC, for the premises located at 4923 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Jack's Executive Bistro").

FINDINGS OF FACT

1. Anthony T. Wilks (hereinafter "the Licensee") is the holder of Class "B" Tavern, PEP and Food Dealer Licenses, for the premises located at 4923 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Jack's Executive Bistro"). Said licenses expired at midnight on July 7, 2024.
2. An application to renew said licenses was filed with the Office of the City Clerk on June 7, 2024.
3. Pursuant to Chapters 68, 85, 90 and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On June 10, 2024, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said licenses.
4. On July 1, 2024, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 68, 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the police report. The matter was scheduled for a hearing on the police report and neighborhood objections on July 12, 2024, commencing at approximately 9:30 a.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the Licensee appeared at the hearing, and admitted receipt of the notice of hearing.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On July 2, 2023 at 12:52 a.m., Milwaukee Police were dispatched to a Shots Fired at 4923 West Villard Ave. On arrival officers made contact with citizens outside who stated they did not hear any shots fired, but there had been fireworks in the area.
 - B. On August 12 2023 at 12:43 a.m., Milwaukee Police were dispatched to a Noise Nuisance at 4923 West Villard Avenue. On arrival it was determined the music was loud, due to the door being held open while allowing patrons in. The security guard was advised to



- keep the door closed to avoid the disturbance. The security guard agreed. The officer was not able to make contact with the caller.
- C. On August 17, 2023 at 4:26 a.m., Milwaukee Police were dispatched to a Noise Nuisance at 4923 West Villard Avenue. Due to higher priorities calls for service the officers were not dispatched until after bar close. The officers contacted the caller who stated they no longer needed the police.
- D. On October 12, 2023 at 5:42 a.m., Milwaukee Police were dispatched to a Noise Disturbance at 4923 West Villard Avenue. On arrival there was no loud music and the business was closed.
- E. On October 15, 2023 at 5:17 a.m., Milwaukee Police were dispatched to a Noise Complaint at 4923 West Villard Avenue. On arrival there was no loud music and the business was closed. The caller advised the officer the music had dissipated.
- F. On October 20, 2023 at 2:19 a.m., Milwaukee Police were dispatched to a Noise Complaint at 4923 West Villard Avenue. On arrival officers observed the business was closed and did not hear any loud music. The caller stated this was an ongoing issue and was willing to be a complainant, however, the officer was unable to make contact with them.
- G. On October 27, 2023 at 12:58 a.m., Milwaukee Police were dispatched to a Noise Complaint at 4923 West Villard Avenue. On arrival officers did not hear any music or noise that would constitute the necessity to approach the business.
- H. On October 28, 2023 at 12:21 a.m., Milwaukee Police were dispatched to a Subject with Gun at 4923 West Villard Avenue. Officers interviewed the agent who was on scene that stated patrons who were about to fight inside the establishment and were escorted out. The agent assisted the officer in checking the interior of the bar to make sure no one was hurt.
- I. On November 8, 2023, at 5:16 a.m., Milwaukee Police were dispatched to a Noise Complaint at 4923 West Villard Avenue. Due to higher priority calls for service, the officers arrived over 4 hours later and the business was closed.
- J. On November 10, 2023 at 12:13 a.m., Milwaukee Police were dispatched to a Subject with Gun at 4923 West Villard Avenue. Officers were advised prior to arrival the caller stated a subject came to the bar with a rifle and threatened to shoot a named security guard. On arrival officers observed no one in distress and investigation revealed there was no security guard by the name provided employed at the business.
- K. On November 21, 2023 at 10:29 p.m., Milwaukee Police were dispatched to a Trouble with Subject at 4923 West Villard Avenue. On arrival officers observed the business functioning normal. The anonymous caller stated they did not see anything and the call was placed two hours prior to officer's arrival.
- L. On December 1, 2023 at 11:25 p.m., Milwaukee Police were dispatched to a Noise Complaint at 4923 West Villard Avenue. Investigation revealed that when the business door was open, the music did appear to be excessively loud which could cause a disturbance to neighbors. Officers advised an employee of the violation, to which they agreed to turn the music down. The caller stated this occurs frequently and has affected them to the point they have considered moving.



- M. On December 13, 2023 at 2:15 a.m., Milwaukee Police were dispatched to a Noise Complaint at 4923 West Villard Avenue. No loud music was observed on officer's arrival and the business was closed.
- N. On November 30, 2023 at 11:52 a.m., Milwaukee Police were dispatched to a Subject with Gun at 4923 West Villard Avenue. Officers interviewed the agent who was on scene. The agent stated two groups of patrons began to argue in the bar and were kicked out. One of the groups waited for the other group at the gas station and began to argue in the median with the other group. The agent further stated they were told a female had been knocked over by a vehicle and a parked vehicle was struck by a vehicle the subjects were in. The agent attempted to show officers video surveillance of the incident but was unable to retrieve the incident on the camera.
- O. On December 16, 2023 at 4:51 a.m., Milwaukee Police were dispatched to a Noise Complaint at 4923 West Villard Avenue. The original call came in at 2:09 a.m. On arrival the business was closed, however, officers noted during routine patrol that night they had driven in the area and did not hear music coming from the bar itself, but possible patrons playing loud music from vehicles as they were coming and going.
- P. On December 31, 2023 at 1:09 a.m., Milwaukee Police were dispatched to a Shooting at 4923 West Villard Avenue. On arrival officers did locate a victim shot to both legs, lying behind the bar. Investigation revealed the shooting occurred in the parking lot and the suspect was a security guard who did not remain on scene. The agent confirmed the suspect was an employee, however, denied knowing their name. The agent did allow officers to view video surveillance which depicted a security guard discharge their weapon. The video depicts all the security guards to be armed, however, when officers arrived on scene, none were armed and some were uncooperative.
- Q. On December 31, 2023, Milwaukee Police drafted a Nuisance Premise for 4923 West Villard Avenue. The officer noted that during the past year the business has had two critical incidents that involved shootings. The notice was signed by the District Captain and sent out via certified mail on January 1, 2024.
- R. On January 6, 2024 at 1:18 a.m., Milwaukee Police were dispatched to a Shot Spotter at 4923 West Villard Avenue. Officers located two unspent casings on the Eastbound sidewalk in front of the location and one in the eastbound parking lane on W. Villard Ave. Officers observed multiple armed security guards and attempted to interview one, who refused stating they had to escort a patron to their car. Due to previous knowledge of the security system, officers knew video of the incident would not have been captured.
- S. On January 6, 2024 at 1:18 a.m., Milwaukee Police were dispatched to a Noise Complaint at 4923 West Villard Avenue. Due to a Shot Spotter call for service at a different location, officers did not respond until 5:07 a.m., at which time the business was closed.
- T. On January 24, 2024 at 10:26 p.m., Milwaukee Police were dispatched to a Noise Complaint at 4923 West Villard Avenue. On arrival officers did not hear loud music, however, contacted the caller who stated they could feel the vibration, but not the music.



- U. On January 30, 2024 at 10:31 p.m., Milwaukee Police conducted a License Premise Check at 4923 West Villard Avenue. Officers observed the crowd to be small and 3 security guards on scene. The agent was on scene and the noise complaints were discussed. The agent stated they have asked security staff to get people to move out of the parking lot after close to keep the music down.
- V. On February 8, 2024 at 11:26 p.m., Milwaukee Police were dispatched to a Noise Complaint at 4923 West Villard Avenue. There was no loud music coming from the location and officers were unable to contact the caller.
- W. On February 15, 2024, the Licensee was charged with Operate Firearm While Intoxicated; Criminal Damage to Property (Domestic Abuse) and Disorderly Conduct (Use of a Dangerous Weapon) in Milwaukee County Circuit Court.
- Charge1: Operate Firearm While Intoxicated
2: Criminal Damage to Property
3: Disorderly Conduct
- Finding:
Sentence: Plea/Sentencing Hearing 08/02/24
Date:
Case: 2024CM000402
- X. The Licensee was present and said regarding the noise complaints on the police report, he is doing the best he can keeping the door closed. He also said that the surveillance cameras did not catch the angle where the shooting from December 31st occurred. He added that the security guard shot in self-defense and left the scene but that he handed the name of the guard and the security company to MPD. He mentioned that DTS Security Company was the previous security company and that he is working now with United Security.

Individuals also present:

- Y. Alderwoman Pratt said that the Licensee did not cooperate immediately after the incident.
- Z. The Licensee said that he did not answer the phone because it was 4 a.m.; that he was sleeping but that he provided everything that MPD needed the next day.
- AA. Alderman Burgelis asked the Licensee if he has changed the angle of the surveillance system since the shooting.
- BB. The Licensee said that he has not.
- CC. Alderman Burgelis asked if anyone from the staff can access the surveillance system.
- DD. The Licensee said that he is always cooperative with those requests.
- EE. Alderman Spiker asked the Licensee who was shot.
- FF. The Licensee said that it was a patron who was also a relative of an employee.
- GG. Alderman Spiker asked which part of the body was shot.



- HH. The Licensee said that he believes it was in the leg.
- II. Alderman Spiker asked if he remembers what he said to MPD on that day.
- JJ. The Licensee said that he does not remember because it happened months ago.
- KK. Alderman Spiker read the report that says the Licensee told the police that the patron was shot somewhere else and ran into his business.

Individuals in objection:

- LL. Valerie Benton – 5159 North 49th Street – said that this establishment is located in a neighborhood with homes around it, that it is very noisy and loud and that she has contacted MPD, Alderwoman Pratt's office on different times/dates for incidents and noise nuisances and that nothing has been done. She added that MPD shows up but at very late hours when the establishment is closed and that her health has declined because the lack of sleep. She also said that she has recorded and documented everything.
- MM. Dynasty 5402 North 38th Street – victim of the shooting – said that she was inside the establishment, that she was caught in the middle of the shooting when she came out of the bathroom with her aunt, that the establishment was open still and that she fell on the ground because both of her legs were shot and that no one helped her except for her aunt who happens to be a nurse. She added that no one reached out to her after the incident, that she still upset and attending therapy because she suffers post-traumatic stress. She also mentioned that she was the one who contacted the business owner and that he was rude to her and did not even apologize.
- NN. Alderwoman Pratt said that she just had two walks yesterday and that neighbors complained about the garbage, the noise, loud patrons and that definitely this business has brought discomfort to the neighbors. She added that she agrees that it is a residential area and that neighbors deserve respect and peace.
- OO. The Licensee said that he is doing what he can, that he is all up for learning and that he never heard anything from the neighbors before.
- PP. Alderwoman Moore asked the Licensee how much time had passed after the shooting when the victim reached out to him.
- QQ. The Licensee said after 2 months.
- RR. Alderwoman Moore asked the Licensee if he did any diligences to reach out to the victim before she did reach out to him.
- SS. The Licensee answered "no".
- TT. Alderwoman Pratt moved nonrenewal based upon the preponderance of the evidence in the police report, neighbors, applicant and aldermanic testimony that demonstrates the operation results in a threat to health, safety or welfare of the public and the history of the disciplinary actions. There were no objections. (Prevailed 5-0)



CONCLUSIONS OF LAW


1. The Committee has jurisdiction to hold hearings and provide Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapters 68, 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes.
2. Based upon the above facts found, the Committee concludes that the Licensee, Anthony T. Wilks who holds Class B Tavern, Public Entertainment Premise (PEP) and Food Dealer licenses for the premise located at 4923 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Jack's Executive Bistro") has not met the criteria of Chapters 68, 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes for the renewal of his Class B Tavern, Public Entertainment Premises, and Food licenses. The Committee finds the police report and aldermanic objections as stated above to be true.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment for non-renewal of the Class B Tavern, Public Entertainment Premise (PEP), and Food Dealer licenses for the premises located at 4923 West Villard Avenue in the City and County of Milwaukee, Wisconsin ("Jack's Executive Bistro"). The Committee based its recommendation upon the preponderance of the evidence in the police report, neighbors, applicant and aldermanic testimony that demonstrates the operation results in a threat to health, safety or welfare of the public and the history of the disciplinary actions.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **five (5) ayes and zero (0) noes**, recommends that the Class "B" Tavern, Public Entertainment Premises (PEP), and Food Dealer Licenses of Anthony T. Wilks for the premises located at 4923 West Villard Avenue ("Jack's Executive Bistro") in the City and County of Milwaukee, Wisconsin not be renewed.

Said nonrenewal is effective on July 30, 2024.

Dated and signed at Milwaukee, Wisconsin this 19 day of July, 2024.



JOCASTA ZAMARRIPA
Chairman, Licenses Committee

/292390





JOCASTA ZAMARRIPA
ALDERWOMAN, 8TH DISTRICT

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE-CHAIR

- Community and Economic Development Committee

MEMBER

- Steering and Rules Committee
- Zoning, Neighborhoods, and Development Committee

Date: July 19, 2024

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Licenses Committee on the complaint seeking revocation of the Extended Hours Establishment license held by Angel Gutierrez Garnica, agent for El Jalapeno Restaurant LLC, for the premises located at 2106 West National Avenue in the City and County of Milwaukee, Wisconsin ("El Jalapeno Restaurant").

FINDINGS OF FACT

1. Angel Gutierrez Garnica (hereinafter the "Licensee") is the holder of an Extended Hours Establishment license for the premises located at 2106 West National Avenue in the City and County of Milwaukee, Wisconsin ("El Jalapeno Restaurant").
2. A Complaint for Revocation of this license was filed with the City Clerk by Captain Patrick Pajot, Commander of District 2 for Unlawful License Activity.
3. A Summons was served on Mr. Gutierrez Garnica commanding his appearance to answer the Complaint for revocation of the Extended Hours Establishment license on July 12, 2024 at 11:00 a.m. in Room 301-B of City Hall. At that date time and place, the licensee, Angel Gutierrez Garnica appeared with his son. Included with the Summons were copies of the Complaint for Revocation and Exhibit A, B, C and D.
4. **Based upon the sworn testimony heard and the evidence received at the July 12, 2024 hearing, the Committee found the following:**
 - A. The Licensee was present along with his son, Angel Gutierrez Garnica.
 - B. The Licensee asked for an interpreter. Mr. Cooney disclosed that our interpreters are not legally certified.
 - C. The Licensee agreed.
 - D. The meeting paused to get the interpreter.
 - E. Joanna Polanco staffed the meeting and Yadira Melendez appeared as the Licensee's interpreter per applicant's request.



Individuals also present:

- F. Assistant City Attorney Theresa Montag presented the complaint filed by MPD involving the extended hours establishments license for serving alcohol after hours and the discharge of firearms outside the premises.

Officers offering testimony:

- G. Officer Lomeli (District 2) said that he and other officers participated in an undercover operation on June 19, 2024 at El Jalapeno restaurant. He added that 2 under cover officers got into the establishment at 3:05 a.m, that they ordered food and drinks and that they were served beer in plastic cups around 3:07 a.m. He added that he and Officer Merritt (partner) were walking into the establishment, they observed the owner outside and opened the door while saying that the police were here and that the waitress removed the beers that the undercover officers already had obtained while saying that they were closed. He also explained that he proceeded to do the license check, that he explained the Licensee that he was not supposed to be serving alcohol and that the owner replied that he was allowed to stay open until 4:00 a.m. every day.
- H. Officer Lomeli asked the owner to revise his license and the owner apologized for the mistake. He added that they took photos and interviewed other staff members present there.
- I. Alderwoman Zamarripa asked Officer Lomeli if the owner that he is talking about is the same person that is here, Mr. Gutierrez Garnica.
- J. Officer Lomeli said that it is the same person.
- K. Officer Powell (District 2) said that he and Officer Corner were working in an undercover capacity arriving at "El Jalapeno" restaurant around 3:05 a.m., ordering tacos and beer and that the beer was brought immediately in plastic cups. He added that at that moment, they communicated with the uniformed officers informing them that they got the alcohol and that they were waiting for the food. He continued saying that as the officers were approaching, the waitress removed the beers and told them that they were closed and that they were asked to leave which is what they did.
- L. Alderwoman Zamarripa asked Officer Powell if he was wearing plain clothes.
- M. Officer Powell answered "yes".
- N. Alderwoman Zamarripa asked what kind of drinks they ordered.
- O. Officer Powell said that they ordered "Corona" and they were brought in plastic cups.
- P. Alderman Burgelis asked if it is a common practice for MPD to conduct operations like this one.
- Q. Officer Powell said that his training is mostly to criminal and drug cases but that is not limited to those. He added that he has responded to incidents at "El Jalapeno" and also has received complaints from other bar owners about this establishment serving alcohol after hours and that is how they started this investigation.
- R. Alderman Burgelis asked if there were more patrons at the same time of the undercover operation.



- S. Officer Powell said that he counted about 11 other people and that they all had food and drinks at their tables.
- T. Officer Kilwine (District 2) said that he responded to a call of shots being fired at 2100 West National Avenue and that the call was unfounded due the lack of evidence. He explained that while on the scene, a gentleman named Kyle L Saffold (black male 30-40 yrs of age) approached him and told him that he wanted to file a complaint against "El Jalapeno" at 2106 West National Avenue because it is known by serving alcohol after hours. Mr. Saffold told Officer Kilwine that he went there at 3:15 a.m. and that he ordered and was served 7 tequila shots around 3:35 a.m. which is when the police arrived and the waitress returned him the cash, removed the drinks and told him not to say a word about the drinks. Officer Kilwine said that Mr. Saffold provided all his contact information for follow up.
- U. Alderwoman Zamarripa asked Officer Kilwine if he was part of the undercover operation.
- V. Officer Kilwine answered that he was not and that this was a separated incident.
- W. There were no neighbors present to testify.

Individuals also present:

- X. Alderwoman Moore asked who has access to the operation of the security cameras besides the staff.
- Y. Mr. Gutierrez said only his daughter.
- Z. Alderwoman Moore asked is she part of the daily staff.
- AA. The Licensee answered she is not.
- BB. Alderwoman Moore asked how MPD would have access to the cameras.
- CC. The Licensee said that his daughter would provide him with the password.
- DD. Alderwoman Moore noted that there must be a correction to the file because the time is listed as the officers arrived at 3:05 P.M. throughout the report and that it is supposed to be 3:05 A.M. instead.
- EE. Mr. Gutierrez apologized for all of these incidents and said that he has been in this business for 25 years and this is the first time that he is before a situation like this. He added that those plastic cups are used for all sorts of drinks and that he is not sure why the waitress served alcohol in those. He added that regarding the incident cited by Officer Kilwine, they do not sell tequilas; only beers like Corona, Modelo and Tecate and that this complainant left angry because there was a problem with his food.
- FF. Alderman Burgelis asked the Licensee if he is certain that it was beer served.
- GG. The Licensee explained that the patrons might offer a better tip to the waitress, so that could be why they were serving alcohol after hours. He added that he cannot be at each table checking what the waitresses are serving.



- HH. Alderwoman Zamarripa said that she has received complaints over the years about alcohol being served after hours at "El Jalapeno", that she always trusted the Licensee because there was no evidence before.
- II. Alderwoman Zamarripa moved revocation of the Extended Hours Establishment based upon the preponderance of the evidence in the police report included on the complaint filed by MPD, the Licensee, aldermanic and significant testimony from the police officers that demonstrates the operation results in a threat to health, safety or welfare of the public for failure to comply with the approved plan of operation. There were no objections. (Prevailed 5 0)

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold a hearing on the revocation of Extended Hours Establishment license and to provide Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapters 84, 85 and 93 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that revocation of the licenses of Angel Gutierrez Garnica, is necessary to protect the health, safety and welfare of the public.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to deem this location unfit for these types of licenses and revoke the Extended Hours Establishment license held by Angel Gutierrez Garnica for the premises located at 2106 West National Avenue in the City and County of Milwaukee, Wisconsin ("El Jalapeno Restaurant") based upon the preponderance of the evidence in the police report included on the complaint filed by MPD, the Licensee, aldermanic and significant testimony from the police officers that demonstrates the operation results in a threat to health, safety or welfare of the public for failure to comply with the approved plan of operation.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **five (5) ayes, zero (0) noes and two (2) excused**, recommends that the Extended Hours Establishment license held by Angel Gutierrez Garnica for the premises located at 2106 West National Avenue in the City and County of Milwaukee, Wisconsin ("El Jalapeno Restaurant") be revoked.

Said revocation is effective on July 30, 2024.

Dated and signed at Milwaukee, Wisconsin this 19 day of July, 2024.



JoCasta Zamarripa
Chairman, Licenses Committee

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